

Commissioner for Patents

REMARKS

Claims 1-24 are now in the application.

New claims 21-24 are inserted into the application. The Commissioner is hereby authorized to charge the fees associated with four extra claims and one extra independent claim, together with any insufficiency, to Deposit Account No. 19-5113.

In Section II, item 1, of the Office communication, the Examiner justifies why Carstens and Cates can be combined to render claim 1 obvious.

Firstly, the Examiner states, *"Applicant cites column 2 lines 38-39 in support of [the] proposition [that the anti-roll device is always in contact with the staircase], however this appears to be in error since no such support is found."* The Applicant clearly intended that reference be made to column 2 lines 38-39 in Carstens to illustrate that the runner 50 comes into contact with the stair edges, as it is stated that *"in order to protect the stair edges, the front edge of the runner [50] can be coated with an easily sliding material."*

This differs from the anti-roll device as claimed in claim 1, as the limitation that the arm be *"completely above a plane of an undersurface of the apparatus in the projecting position"* and the added limitation involve that the anti-roll device **does not come into contact** with the stair edges during upward downward movement of the apparatus on a staircase.

In both Cates and Carstens, there is contact of the stop (Cates)/runner (Carstens) with the stair edges, which contact is not possible if the anti-roll device is *"completely above a plane of an undersurface of the apparatus in the projecting position"*. For this reason, and in view of the additional limitation, claim 1 is deemed to patentably distinguish over the combination of Carstens and Cates, as it introduces a structural limitation that is absent from both these references.

Moreover, in Section II, item 1, the Examiner states, *"Applicant's assertion that backward movement is prevented with the anti-roll device of CARSTENS is an assumption that is clearly without merit. The device is only engaged in the event of danger."*

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By the limitation of claim 1 that the arm be "*completely above a plane of an undersurface of the apparatus in the projecting position,*" the anti-roll device can move downwardly on a staircase even in the event of a danger. This is a key feature of the apparatus of the present application, as it is often in such danger situations that a stair-climbing apparatus is used in downward motion. For instance, an operator judges that the incline is too steep and thus decides to return the load to the ground.

On the other hand, if the support bracket 30 of Carstens blocks to prevent downward motion, the ratchet mechanism illustrated as blocking device 40 in Carstens must be unblocked to allow the downward movement. This requires a hazardous manipulation of the system of Carstens (i.e., col. 5, lines 33-36), at a time where handling the Carstens system is hazardous to the risk of tipping over.

The limitations of claim 1 that the arm be "*completely above a plane of an undersurface of the apparatus in the projecting position*" and be "*free of contact with the inclined surface at any time during movement of the apparatus along the inclined surface*" are absent from the teachings of both Carstens and Cates and results in the feature that the apparatus of the present application **can move downwardly** even in the event of a danger, which is not the case with Carstens as pointed out by the Examiner: "*The [Carstens] device is only engaged in the event of danger.*" Accordingly, claim 1 as currently on file is deemed to patentably distinguish over the combination of Carstens and Cates.

In Section II, item 3, of the Office communication, the Examiner states that "*it would have been obvious to one having ordinary skill in the art [...] to employ the track to load the support surface of CATES.*"

Reference is made to Fig. 1 and Fig. 3 of Cates. It is shown that a front end of the track of Cates is covered by a frame described as being a central portion 11. Therefore, as clearly seen from the top view of Fig. 3, the central portion 11 encapsulates a front end of the track of Cates. Moreover, it is observed from Fig. 1 that the track is in a concavity formed by the central portion 11 and the vertical brackets 48'. Therefore, the track of Cates **cannot** be used for traction in combination with a roller, as it is concealed by the structure of the Cates conveyor. To use the track of Cates for traction would require substantial modifications to the conveyor taught by Cates.

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Therefore, it is argued that Cates cannot be combined with Thunell in order to render claim 13 as currently on file obvious.

The Applicant herein introduces claim 21. Reference is made to Section I, item 1.5, of the Office communication, in which Cates is described as disclosing a brake. The Examiner refers the Applicant to column 3, lines 43-47, of Cates.

The solution taught by Cates is the use of a worm gear in order to block the device and not allow same to move in reverse. A person skilled in the art would recognize that there is a very limited contact surface between a worm gear and a spur gear. Accordingly, with the heavy loads that conveyors support, the limited contact surface between the worm gear and a spur gear as described by Cates proves to be a liability and provides limited protection in the case that this assembly must support a load. Therefore claim 21 as introduced patentably distinguishes over Cates.

New claim 23 has been inserted. Claim 23 is fully supported by the description as filed, for instance, in paragraph [0029]. A review of the prior art leads the Applicant to an observation that conveyor systems with a pair of belts each describe a transmission by which a single degree of actuation displaces both tracks concurrently. Therefore, because of these transmissions and the single degree of actuation, the prior art conveyors using a pair of tracks can only move in one direction, and cannot perform movements such as rotations using the tracks. This is the reason why the conveyors are provided with casters to allow the use of the conveyor to rotate.

Moreover, by having the degrees of actuation positioned in their respective tracks, the center of gravity of the tracks remains low, and reduces the risk of tipping over of the apparatus. This is a structural limitation of claim 23 that is clearly new and patentable over the prior art.

Therefore, claim 23 as herein introduced and fully supported by the application as filed, and claim 5 as currently amended are deemed to patentably distinguish over the prior art.

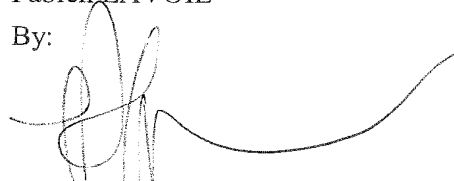
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In view of the above remarks, this application is now considered to be in condition for allowance, and early notice to that effect is earnestly solicited.

Respectfully submitted,

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By:



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(Date)

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Encl.